

REMARKS

Claims 1-4, 6, 43-46, 48, 50-55, 57-82 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-3, 43, 48, 50, 52, 54, 57-61, 63, 65, 68-70, 75, 76, 79 and 80 under 35 U.S.C. § 102(e) as being anticipated by McCaleb et al. (U.S. Patent 6,170,065) (hereinafter “McCaleb”). Applicant respectfully traverses this rejection.

McCaleb does not disclose, teach, or suggest at least “the knowledge automation engine automatically evaluates a rule in the one or more checks against the one or more facts to determine if the one or more product issues specified by the one or more checks exists for the product configuration (emphasis added)” as recited in claim 1. McCaleb does not appear to suggest using a check or any structure that comprises both a rule and a specified product issue. McCaleb further does not disclose “a knowledge repository” with the “one or more checks” (which comprise both a rule and a specified product issue). McCaleb further does not disclose determining “if the one or more product issues specified by the one or more checks exists (emphasis added)” as recited in claim 1. For example, McCaleb does not disclose any structure with both a rule and a specified product issue in the same structure. The Examiner points to McCaleb, col. 7, lines 28-31 for this teaching:

When the patch checker 610 requests for (sic) the download, the patch worker 660 accesses the part database 665 to retrieve the necessary software versions for the client system 600. McCaleb, col. 7, lines 28-31.

Applicant notes this section of McCaleb also does not describe a check, a rule in a check, or a product issue specified in a check. Furthermore, the Examiner did not specifically address the Applicant’s arguments in the Response to the Office Action mailed April 3, 2007. Applicant respectfully submits claim 1 and claims dependent thereon are

allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

The claim features of dependent claim 56 (objected to but found allowable by the Examiner) were previously moved into claim 48 from which it depends (see response to the Office Action mailed April 3, 2007). Applicant respectfully submits claim 48 and claims dependent thereon are allowable for at least this reason. Applicant respectfully requests the Examiner withdraw the rejection to claim 48 and claims dependent thereon.

McCaleb does not disclose, teach, or suggest at least “wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue (emphasis added)” as recited in claim 59. Applicant respectfully asserts claim 59 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 59 and claims dependent thereon.

McCaleb does not disclose, teach, or suggest at least “wherein the check comprises a rule for detecting a specific product issue” and “the product check matrix is associated with the check and the specific product issue and is selectively accessed from a plurality of product check matrixes to determine a package to use to correct the specific product issue (emphasis added)” as recited in claim 70. As discussed above with respect to claim 1, McCaleb does not disclose a structure similar to a check that comprises a rule for a specific product issue. McCaleb also does not disclose “selectively” accessing a product check matrix. The Examiner points to the part database of McCaleb to anticipate a product check matrix, however, the part database of McCaleb is not directed to a specific product issue, but instead appears to have a mixture of software patches and updates. McCaleb does not disclose a product check matrix “associated with the check and the specific product issue.” Applicant respectfully submits claim 70 and claims

dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 70 and claims dependent thereon.

Similarly, McCaleb does not disclose, teach, or suggest at least “wherein the check comprises a rule for detecting a specific product issue” and “the product check matrix is associated with the check and the specific product issue and is selectively accessed from a plurality of product check matrixes to determine a package to use to correct the specific product issue (emphasis added)” as recited in claim 76. Applicant respectfully submits claim 76 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 76 and claims dependent thereon.

Claim Objection

The Examiner objected to claims 4, 6, 44-46, 51, 53, 55, 56, 62, 64, 66, 67, 71-74, 77, 78 as being allowable but dependent upon a rejected base claim. While the claim status was not specifically stated in the Office Action mailed April 3, 2007 or the Office Action mailed September 19, 2007, the status of these claims as allowable but objected to for being dependent upon a rejected base claim was verified in a phone call with the Examiner on June 27, 2007. While objected claims 81 and 82 were not in the set confirmed allowable with the Examiner on June 27, 2007, because there is no rejection or objection included in the Office Action mailed September 19, 2007 for these claims, these claims are also assumed allowable.

The features of claim 56 were added to claim 48 and thus claim 48 and claims dependent thereon are believed allowable for at least this reason.

Applicant respectfully submits claims 4, 6, 44-46, and 62, 64, 66, 67, and 71-74, 81, and 77, 78, 82 dependent upon independent claims 1, 59, 70, and 76, respectively, are also allowable in their present form for at least the above reasons. Applicant respectfully requests the Examiner withdraw the objection to the claims.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-33700/RCK.

Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
Attorney for Applicants

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: November 19, 2007